HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Revision no. 3 of 2004

State of U.P. ..... Revisionist

Versus

M/S Prem Civil Engineering Pvt.Ltd. ..... Respondent

Standing Counsel U.P. of the petitioner
Sri S.K. Jain, Advocate for the respondents.

Dated: 7.8.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

Present revision has been preferred against the order dated 16.1.2004, passed by the District Judge, Hardwar in Misc. Case no. 9 of 2003, by which delay in the appointment of arbitrator has been condoned.

According to the revisionist proceedings are pending before the Arbitrator appointed by the Allahabad High Court. The order passed by Allahabad High Court is quoted below:

"Smt. Shobha Dikshit, a retired Judge of this Court is appointed as the sole Arbitrator under section 11(5) of the Arbitration and Conciliation Act 1996. The Arbitrator shall be paid Rs.3,400/- per sitting to be borne by the parties equally.

The application is accordingly disposed of."

The counsel for the respondent has placed reliance on Section 43 (3) of the Arbitration and Conciliation Act, where power has been given for extension of time. The District Judge,

Hardwar has committed no illegality in passing the impugned order. I find no force in the revision. The revision is, therefore, dismissed. No order as to costs.

(Rajesh Tandon J.)

7.8.2004
*Dhyani